

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, June 26, 2007**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:08 am.

ADDITION TO THE AGENDA

Commissioner Raley moved, seconded by Commissioner Jarboe, to add to today's agenda the Consideration of Proposed Zoning Text Amendments to Modify Provisions for Transferring Development Rights (TDRs). Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register dated June 26, 2007, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Raley, to adopt the minutes of the Commissioners' meeting of June 12, 2007, as amended. Motion carried 5-0.

RETIREMENT RECOGNITION:

Joanne Yates, Office of the Treasurer, was recognized by the Board for over 29 years of dedicated service with St. Mary's County Government. Mrs. Yates will retire on July 1, 2007.

**ST. MARY'S COUNTY PUBLIC SCHOOLS: REQUEST FOR APPROVAL OF
FY 2008 BUDGET**

Present: Dr. Michael Martirano, Superintendent

Daniel Carney, CFO

Stating that the budget is based on the County public school systems' strengths and challenges,

Dr. Martirano presented an overview of initiatives that the FY2008 operating budget supports; e.g., includes funding to support the charter school (scheduled to open August, 2007), STEM initiative (new initiative focusing on engineering and technology), eliminating the achievement gap, and expanding the freshman sports program.

Additionally, the budget includes funding to support the safe school initiatives (part of CIP), 3.8 % COLA increase, class size goals, text book and technology life cycle replacement initiatives, dental assistant program training (being added to curriculum available at Dr. James Forrest Center), and six additional kindergarten sessions (focus on reading).

The FY2008 Board of Education budget:

- (operating) Totals \$169.9m (\$19.4m more than FY2007) with an enrollment that is projected to be 16,049 grade K-12 students.
- Adds 73.8 FTE positions, including 17.8 for the Charter School and seven (7) for the STEM initiative.
- Funds negotiated 3.8% COLA and includes \$4.2m to help the Board of Education address its post-retirement health and life insurance.
- Translates to spending \$10,585 per K-12 student (without the "OPEB" costs, the budget allocated \$10,321 per K-12 student).

Dr. Sal Raspa and members of the Board of Education were in attendance. As questioned by Commissioner Raley, Dr. Raspa confirmed that the documentation provided to the Commissioners reflects the considerations and approval by the Board of Education and that the budget reflects the Board of Education's priorities.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the St. Mary's County Public Schools' operating, capital, restricted, and revolving fund budgets, as previously approved by the Board of Education, and submitted for our approval, and as summarized in the attached pages of their budget book, and to sign the letter to the Board of Education evidencing this action. Motion carried 5-0.

In addition to the motion, Commissioner Mattingly stated for the record: "While approving the budget, we remind the Board of Education that this approval is by category as to both amount and FTE positions for the Operating Fund, as reflected on page 2 of the Board of Education's budget book. Should the need for category transfers arise, we expect that approval by the Board of County Commissioners will be obtained prior to incurring such costs or beginning initiatives, as required, except for true emergency situations".

COUNTY ADMINISTRATOR

1. Draft Agenda for July 10 (no meeting on July 3)

2. **St. Mary's County Public Schools** (*Dr. Michael Martirano, Superintendent of Schools; Daniel Carney, CFO*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the Board of Education's FY2007 Categorical Fund Transfer Request to re-align \$273,125 in funding, which was approved by the Board of Education on June 13, 2007. Motion carried 5-0.

(Dr. Charles E. Ridgell, Director of Curriculum and Instruction)

Commissioner Dement moved, seconded by Commissioner Raley, to approve the inclusion in the Board of Education's FY2007 approved budget of three new grant awards from the St. Mary's Arts Council, totaling \$12,500. Motion carried 5-0.

(Linda Dudderar, Chief Academic Officer)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve an adjustment to the Board of Education's approved FY2008 restricted fund budget in an amount not to exceed \$151,434 and to add 1.0 FTE position, subject to the Board of Education action, upon award of the STEM Implementation Grant in the amount of \$151,434 grant, to amend its FY 2008 restricted fund budget. Motion carried 5-0.

3. **Dept. of Finance** (*Elaine Kramer, CFO*)

(Daniel Carney, CFO, St. Mary's County Public Schools)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Certification of Mutual Agreement with the Superintendent of Schools on the items identified as excludable non-recurring costs for FY2008 totaling \$5,080,576, to approve the submission of those forms to MSDE, and to sign the related transmittal letter. Motion carried 5-0.

(Christine Wray, CEO, St. Mary's Hospital; Paul Barber, CFO, St. Mary's Hospital)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the release of lien for St. Mary's Hospital property as requested by the Hospital and to authorize the Commissioner President, County Administrator, and the County's Chief Financial Officer to execute the necessary documents. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment realigning \$25,000 from the Leonardtown Tax Rebate allocation account to the St. Mary's County Historical Society allocation for FY2008 for refurbishment of Tudor Hall. Motion carried 5-0.

St. Mary's County Health Department (*Dr. William Icenhower, Health Officer; Joyce Sapp, Fiscal Officer*)

(Ms. Kramer, CFO, St. Mary's County Government, remained at the presentation table)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the document confirming the local budget for mosquito control for FY2007 season. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Core Public Health Services Funding Agreement with the Dept. of Health and Mental Hygiene, for the period July 1, 2007, through June 30, 2008, confirming the County's funding allocation for FY2008. Motion carried 5-0.

4. Dept. of Public Works and Transportation (*George Erichsen, P.E., Director*)

(Ms. Kramer, CFO, remained at the presentation table and presented)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendments, cited as 5a through 5g, on the County Administrator's list dated June 26, 2007. Motion carried 5-0.

The following Budget Amendments were approved as submitted:

- a. In the amount of \$7,612, closing out the completed Holly Point Shore Erosion project (MA0501) and increasing the Capital Reserve FIN07 account.
- b. In the amount of \$19,520 closing out the completed Hollis Lake Inlet project (MA0503) and increasing the Capital Reserve FIN07 account.
- c. In the amount of \$5,413, reducing the Environmental Site Assessment project (SW0103) and increasing the Capital Reserve FIN07 account.
- d. In the amount of \$49,785, closing out the completed Charlotte Hall Visitor's Center project (PF0501) and increasing the Capital Reserve FIN07 account.
- e. In the amount of \$4,969, reducing the Courthouse Additions/Renovations project (PF7371) and increasing the Capital Reserve FIN07 account.
- f. In the amount of \$50,687, reducing the Building Maintenance and Repairs project (PF0310) and increasing the Capital Reserve FIN07 account.
- g. In the amount of \$1,510 reducing the Slurry Seal project (HW0303) and increasing the Capital Reserve FIN07 account.

5. Dept. of Recreation, Parks and Community Service (*Phil Rollins, Director*)

(Ms. Kramer, CFO, remained at the presentation table)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Community Parks and Playgrounds Declaration of Adherence to Award Conditions/Requirements and

the Development and Capital Renewal Application for the new playground and a small shelter at Chancellor's Run Regional Park. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the FY2009 and FY2010 Waterway Improvement Fund Application and Project Agreements as listed in item 6b of the County Administrator agenda dated June 26, 2007. Motion carried 5-0.

The following FY2009 and FY2010 Waterway Improvement Fund Application and Project Agreements were approved as submitted:

For FY2009

- Abandoned Boat and Debris Removal, in the amount of \$40,000
- Countywide Maintenance Contract, in the amount of \$99,000
- Sanitary Service Contract, in the amount of \$25,000

For FY2009 and 2010

- Clarke's Landing Boat Ramp, in the amount of \$198,000
- Wicomico Shores Public Landing Parking, in the amount of \$198,000

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds from the Capital Reserve FIN07 account in the amount of \$18,210 to the Paul Ellis Landing Project (PL0602) to cover architect and engineering expenses, and to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds in the amount of \$10,600 to the Tall Timbers Landing Project (PL0603) to cover architect and engineering expenses. Motion carried 5-0.

6. Office of the County Attorney (*Christy Chesser, County Attorney*)

(Ms. Kramer, CFO remained at the presentation table)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$45,563 allocating funds from the Reserve for Emergency Appropriations to the County Attorney's Contract Legal Service account to provide for continuing legal fees and costs associated with ongoing litigation and legal representation for FY2007. Motion carried 5-0.

(Dave Zylak, Director, Public Safety, joined Ms. Chesser)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Services Agreement with Mid Atlantic Military Family Communities LLC for public services for Lincoln Properties/Glen Forest, effective June 1, 2007. Motion carried 5-0.

Mr. Zylak stated that the notification protocols are being worked out.

7. **Dept. of Economic and Community Development** (*John Savich, County Administrator and Director, DECD*)

(Donna Sasscer, Agriculture Manager)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Resolution allowing property owners to submit an application to the Maryland Agriculture Land Preservation Foundation for consideration of easement sale for the following properties as presented and discussed at the June 12, 2007, BOCC Public Hearing:

- (1) 21400 Colton Point Rd.**
- (2) 36206 Old Chaptico Wharf Road, Chaptico**
- (3) 36175 Notley Hall Road, Maddox,**
- (4) Colton Point Road, Avenue**
- (5) Notley Hall Road, Maddox**
- (6) 25151 Colton Point Road, Morganza,**
- (7) 23150 Bushwood Road, Bushwood**
- (8) Point Lookout Road, Mechanicsville**

Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the updated version, with an effective date of July 1, 2007, of the Inter-Governmental Agreement for Job Placement and Job Retention Services for Non-Job Ready Customers and Work Experience between the Maryland Department of Human Resources, St. Mary's County Department of Social Services and the Board of County Commissioners for St. Mary's County. Motion carried 5-0.

8. **Department of Land Use and Growth Management** (*Denis Canavan, Director*)

Update presentation on land policy issues was deferred and will be rescheduled.

LAND USE AND GROWTH MANAGEMENT: RECONSIDERATION OF PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWER PLAN

Present: Denis Canavan, Director

Mr. Canavan requested the Board's reconsideration of the water service category amendment for Laurel Preserve Subdivision to change service category from No Planned Service to Rural Water for 186 acres described as Tax Map 19, Grid 1, Parcel 191, in the 6th Election District.

This amendment was originally presented at the March 6, 2007 BOCC Public Hearing. On April 10, 2007, the Board considered a motion to approve the water amendment. The motion was not seconded.

At that time, the developer's intent was to initially drill a single well into the Aquia aquifer (to serve the first ten lots within the 61-lot Laurel Grove North and South subdivisions; i.e., five-lot minor subdivisions on either side of Laurel Grove Road).

The developer has amended the project by stipulating a single well will be drilled to the deeper Patapsco aquifer that will serve all the 61 lots. Discussion ensued regarding environmental, health (water quality), and safety advantages of the one deeper well versus individual wells.

Commissioner Jarboe voiced his concern regarding the abnormality of the road cutting through the development property, allowing 48 homes versus 24, and staying with the existing ordinance (in the RPD) or going with 61 homes and one well drilled to the Patapsco.

Commissioner Mattingly moved, seconded by Commissioner Raley, that in the matter of the proposed amendment to the Comprehensive Water and Sewerage Plan for Laurel Preserve, that the Board of County Commissioners approve the amendment as recommended by the Planning Commission, and that this approval be conditioned on the drilling of a single well into the Patapsco aquifer to serve all phases of the proposed Laurel Preserve subdivision.

As questioned by Commissioner Raley regarding the need to clarify the motion, it was clarified by Mr. Canavan that the request is to amend service area map III-19 to change the service category from NPS (No Planned Service) to RW (Rural Water) for 186.59 acres described as Tax Map 19, Grid 1, Parcel 191 in the 6th Election District in anticipation of service to 61 dwelling units.

Commissioner Mattingly accepted Mr. Canavan's statement as a clarification to the motion.

Motion carried 4-1 (*Commissioner Jarboe voted against the motion*).

PUBLIC HEARING: TO CONSIDER APPROVAL OF METROPOLITAN COMMISSION'S RESOLUTION 2006-04 ADOPTED FOR THE PURPOSE OF REVISING THE PINE HILL RUN SANITARY DISTRICT NO. 8 BOUNDARY

Present: Jeff Jackman, Sr. Planner, LU&GM
 Steve King, Director, MetCom
 Chet Frederick, Chief Engineer, Metcom

The public hearing commenced at 11:09 am. Mr. Jackman certified the public hearing stating that notice was published in the June 15 and June 20, 2007 editions of the Enterprise.

Metropolitan Commission Resolution No. 2006-04 and its accompanying plat were adopted by the St. Mary's County Metropolitan Commission on November 9, 2006, for the purpose of revising the Pine Hill Run Sanitary District No. 8 boundary to incorporate the Hollywood Town Center boundary and to enable the Pine Hill Run Sanitary District sewage collection system to be extended to the Town Center and to the Holly Gaf subdivision. Properties north of St. John's Road on the west side of Three Notch Road (MD Rt. 235) are currently in the Leonardtown Sanitary District.

Mr. King produced exhibits and outlined the specific existing and proposed sanitary district boundaries. It was elaborated that the change is also necessary to incorporate several properties in the St. Mary's Industrial Park that are served by the Pine Hill Run Sanitary District sewage collection system, but are in the Leonardtown Sanitary District. Revision of the boundary is necessary so the proper benefit assessment charges can be levied until such time as the uniform System Improvement Charge and the Capital Contribution Charge are implemented.

Commissioner Russell opened the hearing for public testimony at 11:25 am.

Public Comment:

Robert Jarboe, 20040 Pear Hill Road, Leonardtown, MD

Mr. Jarboe stated that he was not attending the public hearing either for or against the proposal. Rather, he was concerned that the "left hand doesn't know what the right hand is doing" and voiced concern regarding several programs that are underway that relate to or impact directing growth in the County. Mr. Jarboe suggested a hearing to consider placing MetCom or a sanitation department in the government and suggested a planning group to discuss, like what's being done for the Forms of Government.

Commissioner Russell closed the Public Hearing at 11:28 am and declared the record remain open for ten days, stating written comments can be mailed, faxed, or emailed to the Board of County Commissioners.

COMMISSIONERS' TIME

Commissioner Mattingly

Extended sympathy to the family of Tommy Bell, and to Lotti Bell of the Finance Dept. Good response to the Flag Day celebration. Good display of community patriotism and commitment.

Couldn't attend the sprinkler system demonstration at the north end of the County; understands it went very well.

BRAC subcommittee meeting was very well done; thanks to John Savich and Todd Morgan.

Along with Commissioner Raley, attended the Firemen's Convention in Ocean City. Made a presentation to Bobby Balta, out-going President. And, congratulations to Barbara Sue Nelson, Color Bearer, Ladies Auxiliary.

Commissioner Raley

Citizens of St. Mary's County should be very proud; several individuals involved with the MD State Firemen's Association.

Thanked staff involved with removing the fence from Hermannville Road and Rt. 235; good job – look's like it will need grading.

Presented a County seal at the new Fine Wine & Spirits at the Market Place.

Requested a copy of the CDC membership list.

Congratulated Carolyn Laray and DECD staff on the new St. Mary's County welcome map and guide, very well done.

Commissioner Jarboe

A couple of weeks ago attended and presented a proclamation at T. C. Carter's event.

T.C. is the star of North Carolina State basketball team. He is a great role model for hard work and family values.

Requested a copy of the Board of Appeals 6/14 meeting minutes.

Commissioner Dement

Attended the T. C. Carter event with Commissioner Jarboe. T. C. is one of only two St. Mary's County students to receive a full four-year basketball scholarship.

Has a County seal for the new Century 21, recently visited the business.

During the month of June, was a concert at the college every Friday night.

Presented a proclamation to James and Augusta Russell on June 9th, in celebration of their 50th wedding anniversary.

Commissioner Russell

Acknowledged and displayed a plaque received for Government and BOCC sponsorship and support of the Juneteenth Celebration.

With Commissioner Jarboe, "Dumped the Pump" last week; it was a great experience, drivers were very courteous.

Received many calls regarding the upcoming concert on 7/28. The BOCC will look into issues and concerns voiced by Ridge citizens.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Boards and Committees, vacancies and terms to expire. Motion carried 3-2 (Commissioners Jarboe and Dement voted against the motion).

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Vice President Daniel H. Raley

Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Thomas A. Mattingly, Sr.
John Savich, County Administrator
Delores Lacey, Appointments Secretary
Koni Roach, Asst. Appointments Secretary
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 11:55 am – 1:05 pm

Action Taken: Commissioners reviewed applications for Boards and Commissions vacant or expiring term positions.

OFFICE OF THE SHERIFF: UPDATE ON LOCAL JAIL CONSTRUCTION IMPROVEMENT REQUEST/ST. MARY'S COUNTY ADULT DETENTION CENTER EXPANSION/RENOVATION PROJECTS

Present: Sheriff Tim Cameron
Mary Ann Thompson, Support Services Coordinator

Sheriff Cameron presented the scope, justification, and status of the Local Jail Capital Improvement Request and the St. Mary's County Adult Detention Center Expansion/Renovation Projects, requesting Board concurrence and authorization to resubmit the June 2006 Local Jail Capital Improvement Request to the State.

The existing Adult Detention Center was designed for 230 inmates. At the current date, there are 359 inmates, 42 are in temporary beds. A needs assessment study forecasts inmate population at 519 by the year 2025. In addition to housing capacity, new construction/renovation will also address infrastructure needs; i.e., administrative offices, food services, laundry, maintenance, work release processing, program areas and offices, lobby and control spaces.

Sheriff Cameron also reviewed alternatives to incarceration programs that are in operation in the county. Ms. Thompson reviewed and clarified floor plan designs.

State funding and getting the appropriate number of EDUs (Equivalent Dwelling Units) for the expansion were clarified by Commissioner Raley as two project issues.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to concur and authorize the Sheriff to sign the letter, as presented, to the Md. Dept. of Public Safety and Correctional Services that serves as a resubmission of the June 2006 Local Jail Capital Improvement Request to the state. Motion carried 5-0.

The Board took a 10 minute recess (2:05 to 2:15pm)

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: CONSIDER PROPOSED ZONING TEXT AMENDMENTS TO MODIFY PROVISIONS FOR TRANSFERABLE DEVELOPMENT RIGHTS (TDR)

Present: Denis Canavan, Director

In conjunction with the BOCC Public Hearing held on May 15, 2007 and the Work Session on June 12, 2007, Mr. Canavan conducted a walk-through of the proposed revision to Chapter 26, "Transferable Development Rights", and Chapter 32, "Property Development Regulations", Schedule 32.1 Development Standards, of the St. Mary's County Comprehensive Zoning Ordinance.

Discussion:

Commissioner Raley questioned impact on MALPF program (Page 2). Mr. Canavan responded that he doesn't think so. Donna Sasscer is looking into the BOCC selling TDRs (Page 4). Commissioner Raley questioned how the selling price will be determined.

Commissioner Mattingly questioned family transfer exemptions, extending time to be held beyond five years, crisis exceptions, and defining "children". Commissioner Mattingly said that he liked the flexibility in determining the fair market value. Commissioner Mattingly also said he was initially thinking about removing the receiving area altogether, concluding that it's a document that will take time to work, and will probably always be tweaked.

Commissioner Dement questioned if types of exemptions will be considered; specifically for age. Commissioner Dement concluded that it is a tough amendment and required a lot of work to get the proposed amendment drafted.

Commissioner Jarboe suggested adding an affordable housing exemption, stating "in the RPD, farmers don't have a lot money, they have land" and there is no incentive to build a smaller home if a TDR has to be purchased. Commissioner Jarboe suggested an exemption for homes 1200 square feet or smaller. Commissioner Russell said he agreed with the concept. Commissioner Mattingly spoke favorably and said it should be a consideration for the Workforce Housing Policy.

Commissioner Raley concluded that St. Mary's County is at a crossroads. He does have some concerns with the TDR program; i. e., complex and costly, but stated to do nothing is not an option.

Mr. Canavan stated, with the concurrence of Legal, and pending approval by the Board, an Adoption Date of July 10, 2007, with the Effective Date of July 24, 2007 will be targeted.

Commissioner Mattingly moved, seconded by Commissioner Raley, in the matter of the proposed amendments to the St. Mary's County Comprehensive Zoning Ordinance regarding Transferable Development Rights, and affecting Sections 26 and 32 of said Ordinance, upon consideration of the recommendation of the Planning Commission, and having conducted a public hearing on May 15, 2007 and

having considered the public comment and public testimony received, and having reviewed revisions the proposed amendments as prepared by staff in the document provided to the Board on June 26, 2007, which has been marked as Exhibit "A" for the record, I move that the St. Mary's Comprehensive Zoning Ordinance be amended as provided in Exhibit A with the following changes to that document: (a) on page 8, include a two lot family exemption instead of three; (b) on page 9, change time from five years to seven years; and (c) define and include definition for "children." Motion carried 4-1 (*Commissioner Jarboe voted against the motion because affordable housing is not addressed in the amendment*).

ACTION FROM EXECUTIVE SESSION: COMMITTEE APPOINTMENTS

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint the following persons to the Senior Property Tax Credit Review Committee: Bernie Goldsborough, John B. Wheeler, Sandra Wheeler, and Dalton Wood, all with Terms to Expire October 1, 2007. Motion carried 5-0.

ADJOURNMENT

The meeting adjourned at approximately 3:45 pm.

Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn. Motion carried 5-0.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator